

## TX Result Report

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07/23/2020 09:08  
Serial No. A79K011008494  
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Note TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX,  
DPS:Page Separation TX, MIX:Nixed Original TX, CALL:Manual TX, CSNC:CSNC,  
FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, Sp:Special Original,  
FCODE:F-code, RIX:Re-TX, RLV:Relay, MBX:Confidential, BUL:Bulletin, SIP:SIP Fax,  
IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
ReFUSE: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length Over,  
POVR:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error,  
DSN:DSN Response Error, PRINT:Compulsory Memory Document Print,  
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**HUFFMAN, KELLEY, BROCK & GOTTSCHALK, LLC**

540 W. Market Street  
Lima, OH 45801  
(419) 227-3423  
Fax No. (419) 227-0582

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**RECIPIENT INFORMATION**

**NAME OF COURT:** Allen County Common Pleas

**FAX NO.:** 419-222-8427

**SENDING PARTY INFORMATION**

**NAME:** Jason N. Flower  
**SUPREME CT.#** 0085972  
**OFFICE/FIRM:** Huffman, Kelley, Brock & Gottschalk, LLC  
**ADDRESS:** 540 West Market Street Lima, Ohio 45801  
**TELE #:** 419-227-3423  
**FAX #:** 419-221-3592  
**EMAIL:** jnf@540westmarket.com

**CASE INFORMATION**

**TITLE OF CASE:** Swink v. Reinhart Foodservice  
**CASE NUMBER:** CV 2020 0204

**TITLE OF DOC.:** First Amended Complaint for Personal Injury with Jury Demand  
**JUDGE:** Kohlreiser

**FILING INFORMATION**

**DATE OF FAX:** July 23, 2020  
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**IN THE COMMON PLEAS COURT, ALLEN COUNTY, OHIO**

**Lea R. Swink,  
1429 Wilson Avenue  
Lima, Ohio 45805**

**Plaintiff,**

**-vs.-**

**Reinhart Foodservice, LLC,  
6720 North 9th Street  
Omaha, Nebraska, 68101**

**and**

**Baoku Ojo Moses,  
1310 Banklick Street  
Covington, Kentucky 41011**

**Defendants.**

**CASE NO. CV 2020 0204**

**JUDGE KOHLREISER**

**FIRST AMENDED COMPLAINT FOR  
PERSONAL INJURY WITH JURY  
DEMAND**

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Now comes Plaintiff, Lea R. Swink, through the undersigned counsel, and for her Complaint against Defendants, alleges and avers as follows.

**SUMMARY OF ACTION**

1. This is a civil action seeking monetary damages against Defendants Baoku O. Moses and Reinhart Foodservice, LLC, under a theory of respondeat superior and negligence for causing injury to Plaintiff Lea R. Swink as a result of an automobile accident.

**JURISDICTION AND VENUE**

2. Plaintiff Lea R. Swink is a citizen of the United States, and a resident of the Lima, Allen County, Ohio.
3. Defendant Reinhart Foodservice, LLC ("Reinhart") is a corporation formed under the laws of the State of Nebraska, doing business in the state of Ohio.
4. Defendant Boaku O. Moses ("Moses") is a resident of the state of Kentucky.
5. The damages in this matter exceed, exclusive of interests and costs, the sum of \$25,000.00.
6. This matter is properly before this Court as the events occurred in Allen County, Ohio, and Plaintiff resides in Allen County, Ohio.

**COUNT ONE – NEGLIGENCE**

7. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein, and further alleges the following.
8. On or about July 12, 2018, Plaintiff was operating a 1997 Mercury Mountaineer, traveling eastbound on Lincoln Highway, in Allen County, Ohio.
9. At the time and place as stated herein, Defendant Moses was a permissive driver of a semi-tractor trailer owned by Defendant Reinhart.
10. At the time and place as stated herein, Defendant Moses was acting on his own behalf and as an authorized agent of Defendant Reinhart.
11. At the time and place as stated herein, Defendant Moses, individually and as an authorized agent of Defendant Reinhart, operated the semi-tractor trailer, traveling northbound on Stewart Road, crossing Lincoln Highway directly in to the path of Plaintiff's vehicle.

12. At the time and place as stated herein, Defendant Moses had a duty to operate the semi-tractor trailer with care and caution to avoid causing any harm to Plaintiff.
13. At the time and place as stated herein, Defendant Moses breached his duty to Plaintiff, by negligently driving his vehicle into the direct path of Plaintiff's vehicle, causing Plaintiff to hit the semi-tractor trailer.
14. Defendant Moses was cited for failure to stop at an intersection, in violation of Ohio Revised Code § 4511.43(A).
15. As a the direct and sole proximate result of Defendant Moses' negligence, Plaintiff suffered severe, permanent, and substantial physical injuries; lost wages; permanent loss of enjoyment of life; emotional distress; and expects to incur future injuries as a result of her continued medical care; and incurred medical bills and damages in the excess of \$25,000.00.

**COUNT II - RESPONDEAT SUPERIOR**

16. Plaintiff re-alleges and re-avers the foregoing paragraphs as if fully re-written herein and further alleges the following.
17. On or about July 12, 2018, and at the time of the collision with Plaintiff, Defendant, Moses was acting within the scope of his employment with Defendant Reinhart.
18. On or about July 12, 2018, and at the time of the collision with Plaintiff, Defendant, Moses was traveling for the benefit of Defendant Reinhart, and said travel was related to Defendant Moses' employment with Defendant Reinhart.
19. On or about July 12, 2018, and at the time of the collision with Plaintiff, Defendant, Moses was the permissive driver of the semi-tractor trailer, which was owned by Defendant Reinhart.
20. As a the direct and sole proximate result of Defendants' negligence, Plaintiff suffered severe, permanent, and substantial physical injuries; lost wages; permanent loss of

enjoyment of life; emotional distress; and expects to incur future injuries as a result of her continued medical care; and incurred medical bills and damages in the excess of \$25,000.00.

**STATEMENT OF INCORPORATION**

21. All facts in all causes of action are reincorporated in all other causes of action.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment against the Defendants, jointly and severally, as follows:

- A. Plaintiffs demand compensatory damages in an amount to exceed \$25,000.00;
- B. Plaintiffs demand prejudgment and post judgment interest at the statutory rate;
- C. Plaintiffs demand their costs of their action to include reasonable attorney fees;
- D. Plaintiffs demand such other and further relief to which they may be entitled at equity or law; and
- E. Any other equitable remedy this Court deems just and fair.

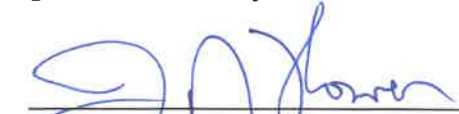
**JURY DEMAND**

Plaintiff respectfully demands a trial by jury on all issues presented herein.

Respectfully submitted,

 for GDE

Gordon D. Evans, II (0074221)  
The Donahey Law Firm, LLC  
495 South High Street  
Suite 300  
Columbus, Ohio 43215  
614-224-8166 / 614-849-0475(fax)  
gevans@donaheyllaw.com



Jason N. Flower (0085972)

Huffman, Kelley, Brock & Gottschalk, LLC  
540 West Market Street  
Lima, Ohio 45801  
419-227-3423/419-227-0582 (fax)  
jnf@540westmarket.com  
Attorney for Plaintiffs

**PRAECIPE FOR SERVICE**

TO THE CLERK:

Please serve a copy of this Complaint upon all named defendants at the above captioned address, via certified U.S. Mail.



Jason N. Flower (0085972)